

55-5a-1. Legislative purpose.

The purpose of this act is to further the policy of this state to prohibit the sale, distribution, exhibition, advertisement or marketing of any products or services which are falsely represented to be blind-made and to prohibit solicitations which give the false impression of helping or representing the blind of Utah.

Enacted by Chapter 23, 1977 General Session

55-5a-2. Definitions.

As used in this act:

(1) "Blind" means an individual, or class of individuals, whose central acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

(2) "Division" means the Division of Services for the Blind and Visually Impaired.

(3) "Direct labor" means work required for preparation, processing and packing, other than supervision, administration, inspection and shipping.

Amended by Chapter 37, 1996 General Session

55-5a-3. Permit required to sell blind-made products or services or to make sales to help the blind and visually impaired.

(1) A person, group of persons or organization may not, by any means, sell, transfer or otherwise dispose of goods, articles, or products to the public in this state which are labeled as made by the blind or sold as products of the blind without first securing a permit in writing for each person selling or soliciting the sale of those goods, articles, or products from the Division of Services for the Blind and Visually Impaired.

(2) A person, group of persons, or organization may not conduct or engage in any business whatsoever in this state, if the word "blind" is used to designate its product's origin or manufacture or if it is used in such a manner as to indicate the services, goods, articles, or products that it provides are blind-made or provide help for the blind or visually impaired, unless a written permit is obtained from the division to do so.

(3) A person, group of persons, or organization may not conduct any of the activities designated in this section using a name, trade name, logo, or other identifying mark or name which implies that the person, group of persons, or organization using the name is affiliated with or sponsored by the state or any of its agencies or subdivisions, when the person, group of persons, or organization is not sponsored or supported by the state or one of its agencies or subdivisions.

Amended by Chapter 37, 1996 General Session

55-5a-4. Issuance of permits -- Eligibility -- Fee -- Local license or permit.

(1) The division may adopt rules and regulations, prescribe procedures, adopt forms and applications, review applications for permits, and issue permits as required

by Section 55-5a-3 subject to the following:

(a) A product shall be considered "blind-made" if 75% or more of the direct labor hours required for its manufacture are provided by the blind.

(b) A person or organization shall be considered to be selling blind-made products if 60% or more of the wholesale cost of the seller's average inventory of products is blind-made and the seller clearly differentiates by the use of labels or other markings between blind-made products and other products.

(c) Individuals or businesses are conducting sales by the blind if 75% or more of the direct labor hours in packaging, marketing, soliciting and making sales are provided by the blind.

(d) Upon receipt of appropriate documentation indicating qualification of a person or organization seeking a license under this act, the division shall issue permits for any one, or a combination of the following: sale of products manufactured by the blind, sale of blind-made products by the blind, and sale by the blind of products not made by the blind.

(e) No permit shall be issued by the division if the business name, trade name or logo of the organization seeking the permit is similar to the name of or in any way implies an affiliation with or support of the state or one of its agencies or subdivisions if the organization is not so affiliated.

(2) A fee of not more than \$5 shall be charged for the issuance and renewal of each permit which shall be valid for a period of one year unless earlier revoked for good cause shown.

(3) No political subdivision of this state shall issue any license or permit whatsoever to sell blind-made goods, articles or products unless the person applying for that license or permit has first obtained a valid permit issued by the division.

Amended by Chapter 191, 1979 General Session

55-5a-5. Application for permit -- Investigation -- Exception -- Appeal of denial.

The division shall investigate each application for a permit to assure that the person, group of persons or organization is actually engaged in the manufacture or distribution of goods, articles or products made by blind persons within the meaning of this act. The division may issue permits without investigation, however, to nonresident persons, groups of persons or organizations upon proof that they are recognized and approved by the state in which they reside as authorized to sell such goods, articles or products pursuant to a law of that state imposing requirements substantially similar to those prescribed pursuant to this act.

Anyone denied a permit may appeal the decision of the division to the state superintendent of public instruction or his designated agent.

Amended by Chapter 191, 1979 General Session

55-5a-6. Violations -- Misdemeanor.

(1) The willful violation of this chapter by any officer, employee or agent of any political subdivision of this state, while acting in that capacity, is a class B

misdemeanor.

(2) The violation of Section 55-5a-3 is a class B misdemeanor.

Amended by Chapter 241, 1991 General Session